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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,714	12/19/2000	Bjarke De Jaeger Gotfredsen	Scard-card reader	3520

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/674,714

Applicant(s)

GOTFREDSEN, BJARKE DE  
JAEGER

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Acknowledgment is made of the receipt of the amendment received on 2/03/04. Claims 1-32 are currently pending.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: the disclosure of the instant application lacks headings indicating the start of specific sections of the disclosure including 'Background of the Invention', 'Summary of the Invention', 'Brief Description of the Drawings', and 'Detailed Description of the Invention' or appropriate equivalents.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The terms "relatively small" in claims 1, 3, 8, 13, 18, 23, 31, and 32 are relative terms which render the claims indefinite. The terms "relatively small" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of

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ordinary skill in the art would not be reasonably apprised of the scope of the invention. The terms “relatively small” may essentially cover a wide range of sizes and dimensions.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret (PCT WO 95/24008).

Patret teaches, as illustrated in figure 4, a mouse pad unit (peripheral device) comprising a data storage read/write device (card insertion slots 110, 112). Please refer to Patret (US 5,661,633) for translation of the PCT reference, and particularly to col. 5, lines 25-54.

Patret is silent as to the mouse pad unit comprising a relatively small pad.

The examiner submits that although the Patret mouse pad unit does not explicitly teach that the mouse pad unit is relatively small, conventional knowledge teaches one that a relatively small mouse pad unit is common and well known within the art for optimal operating space.

One of ordinary skill in the art would have readily recognized that a relatively small mouse pad unit would be advantageous for providing the mouse pad user with a certain amount of operating space without causing additional clutter in the operating environment. Therefore, it would have been obvious, at the time the invention was made, to make the Patret mouse pad unit relatively small when viewed in conjunction to its immediate environment.

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7. Claims 14, 16, 17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret in view of Panasik et al. (US 5,987,547) (hereinafter referred to as 'Panasik').

The teachings of Patret have been discussed above.

Patret lacks the teaching of a CD-ROM, DVD, or removable hard drive integrated with the mouse pad unit.

Panasik teaches a portable computer 18 with means for processing data on a removable hard drive, a CD-ROM, or DVD (col. 3, lines 33-38).

One of ordinary skill in the art would have readily recognized that providing the mouse pad unit of Wilson with the various forms of data storage read/write devices would have been beneficial for allowing a variety of different forms of data to be stored and retrieved. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Patret with the data processing device as taught by Panasik.

8. Claims 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret in view of House (US 4,799,054).

The teachings of Patret have been discussed above.

Patret lack the teaching of text placed on the exterior surface of the mouse pad.

House teaches a mouse pad having advertisement incorporated onto a mouse pad (col. 7, lines 42-47).

One of ordinary skill in the art would have readily recognized that the inclusion of

visual information onto the mouse pad would have been advantageous since it would have immediately made the user aware of a product or to any particular pertinent data whenever the user looked in the direction of his hand. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Patret with the placement of the advertisement was taught by House.

***Response to Arguments***

9. Applicant's arguments filed 12/22/03 have been fully considered but they are not persuasive.

Firstly, the amendments to the claims as filed on 12/22/03 are *not* conditional and have been entered in accordance with USPTO procedure.

Secondly, as indicated above, the terms "relatively small" do not render the claims allowable since the mouse pad unit of the Patret invention may, in essence, teach a "relatively small" mouse pad unit. The Patret mouse pad unit may be relatively small compared to, for example, the area or space in which the mouse pad is used or relatively small compared to, for example, another larger mouse pad unit. Accordingly, claims 1-32 are rejected in light of the aforementioned arguments.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamara A. Franklin

Examiner

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JAF

April 2, 2004



DIANE I. LEE  
PRIMARY EXAMINER